

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

SOUTHERN DISTRICT OF TEXAS

OCT 11 2014

United States of America)

v.)

Case No.

M-14-1972-M

David J. Bradley, Clerk

SEE ATTACHMENT I)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/10/2014 in the county of HIDALGO in the
SOUTHERN District of TEXAS, the defendant(s) violated:

Code Section

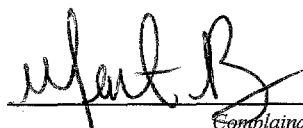
Offense Description

21 USC 841 (a) (1)

Knowingly and intentionally possess with
intent to distribute approximately 153.5
kilograms of marijuana, a schedule I
controlled substance.

This criminal complaint is based on these facts:

On October 10, 2014, McAllen Rapid Deployment Agents Joseph Gregory, Gerardo Lebron and Alfredo Alfaro were performing surveillance in the Havana area. Agents had observed foot prints the previous two days of what appeared to be several subjects travelling north from the river to the neighborhood on Delia Street and returning to the river. This area is known for narcotics smuggling. Agents received a camera activation of one subject wearing a long green T-shirt and blue jeans which were shredded at the knee area carrying a bundle of narcotics. The bundle was tan and appeared to consist of several smaller bundles held together with tan rope. (Continued on Attachment II)

☒ Continued on the attached sheet.


Complainant's signature

Marte Benas, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/11/2014

4:11 pm



Judge's signature

City and state: McAllen, Texas


Peter E. Orsmy, Magistrate Judge

Printed name and title

ATTACHMENT I

-01 PERALES-MERCADO, Eder 

YOB: 1985

-02 FLORES-REYES, Julio 

YOB: 1991

-03 CHAVARRIA-RIOS, Juan


YOB: 1991

-04 MARTINEZ-CRUZ, Santos

YOB: 1988

-05 CHAVEZ-SUAREZ, Alberto

YOB: 1965

-06 HERNANDEZ-DOMINGUEZ, Miguel 

YOB: 1989

-07 CRUZ-De La CRUZ, Alvin

YOB: 1983

Attachment II

This camera was along the same route of the previous foot prints from the last two days. Agents also received ground sensor activation along the same trail. Agent J. Gregory was parked in his patrol unit north of the camera and sensor activation observing an area near some railroad tracks for approximately an hour and a half, when he observed ten (10) subjects run north across the railroad tracks. The first subject was not observed carrying any bundles; however the next nine (9) subjects were observed by Agent Gregory carrying what appeared to be large bundles on their backs. Agent Gregory advised other BP Agents located in the area to move in via radio. Agents responded to the area in seconds. Agent Justin Garza drove north on a road in the area and ran directly into the ten (10) subjects and cut them off from continuing north. He observed the subjects turn and run south. He immediately found the bundles within two to five feet of where he observed the subjects run south from. This is approximately 50 yards north of the Railroad tracks. Agents immediately had a perimeter set since several units had responded to military and were blocking the subjects from running south across military highway. Due to the quick response agents were able to apprehend eight (8) of the ten (10) subjects. One subject escaped and ran south from military highway. The tenth subject was not found. The air unit "Omaha" was aware of the pending traffic and was standing by. Omaha responded immediately and observed the subjects running south and directed the agents for the apprehension of the subjects.

A search was made on military Highway for several hundred yards east and west of where the seizure took place and there was only one group of footprints found. These tracks led to where the bundles were found.

A total of eight (8) subjects were appended which included a subject whose clothes matched the clothes of the subject in the camera photo who matched the clothing description of the subject observed on the camera wearing a long green T-shirt and blue jeans which were shredded at the knee area. The bundles recovered were tan and consisted of smaller bundles tied together with tan colored rope which is consistent with the aforementioned camera photo. The narcotics were secured in Service Unit K35634 and transported to McAllen Border Patrol Station. The 8 subjects were placed in a transport van and transported to McAllen Border Patrol Station for processing.

Additionally, the subjects were found to have marks on their shoulders which are consistent with narcotics smuggling. A total of nine (9) large bundles were discovered weighing approximately 153.5 kg. The nine (9) large bundles were broken down for inventory and consisted of 30 individual bundles of marijuana.

On the same date, at approximately 10:00 a.m., SAs Martez Benas and Aida Gonzalez made contact with the subjects at the McAllen Border Patrol Station. While at the McAllen Border Patrol Station, SA Gonzalez and SA Benas only made contact with seven of the subjects due to one of the subject being a juvenile. While at the McAllen Border Patrol Station, the subjects were identified as Eder Arturo PERALES-MERCADO, Alvin CRUZ De La CRUZ, Julio Cesar FLORES-REYES, Miguel Angel HERNANDEZ-DOMINGUEZ, Alberto CHAVEZ-SUAREZ, Santos MARTINEZ-CRUZ and Juan CHAVARRIA-RIOS. SA Gonzalez as witnessed by SA Benas read the subjects their Miranda Rights in their preferred language of Spanish. CRUZ-De La CRUZ invoked his Miranda Rights by requesting an attorney. No further questions were asked of CRUZ-De La CRUZ and his interview was terminated. FLORES-REYES, HERNANDEZ-DOMINGUEZ, CHAVEZ-SUAREZ, MARTINEZ-CRUZ and CHAVARRIA-RIOS agreed to speak with agents but

denied any involvement with the narcotics. Claiming they were coming to work/visit and/or stay with family.

PERALES-MERCADO agreed to speak with agents and provided the following statement: PERALES stated that the marijuana belonged to "Comandante CHIRICUAS" from Reynosa, but he (PERALES) and the other subjects arrested were approached/recruited by Chiricuas worker, "El Gato." El Gato offered them (including PERALES) \$200 dollars to cross the bundles of marijuana. PERALES stated that they all agreed and no one forced them to do it. PERALES added that they, along with the bundles of marijuana, crossed the river that morning on a boat. PERALES stated that all eight (8) subjects arrested at the scene (including a juvenile) were carrying each one bundle. PERALES added that once they were walking on the US side with the bundles of marijuana they observed the Border Patrol helicopter on them. PERALES stated that their guide, who fled, ordered them to hide the bundles of marijuana in the brush. PERALES stated once they hid the bundles, they turned around to run and that's when they saw the border patrol units surround them. PERALES stated that the guide was able to get away from the Border Patrol Agents.

PERALES also added that they received instructions to walk to an area known to them as "El Basurero", where there was a two story house and load the marijuana bundles inside a sand in color Grand Marquis when it arrived then return to Mexico.